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Attorney Docket: 817LR/50045
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROBERT M. STEWART ET AL.

Serial No.: 09/940,494

Filed: August 29, 2001

Title: PROCESS AND APPARATUS FOR COAGULATING AND
DRYING LATEX

REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 C.F.R. §1.47(a)

Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Sir:

Applicants hereby request that the U.S. Patent and Trademark Office reconsider its November 15, 2001, decision refusing to accord the above-identified application status under 37 C.F.R. § 1.47(a).

The decision asserts that applicants' petition lacks proof that the non-signing inventors cannot be reached. Applicants hereby submit a Statement of Facts signed by Michael J. Cronin, Group Intellectual Property Counsel for Linatex, the assignee of the present application. Mr. Cronin's statement shows that applicants made diligent efforts to locate the non-signing inventors, but were unable to locate them.

Mr. Cronin states that he is responsible for intellectual property related matters for both Elementis Inc., and Linatex Rubber Products SDN BHD, both

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divisions of Elementis PLLC. As the Group Intellectual Property Counsel, he has knowledge that Mr. Ralph Nicholas Spearman and Mr. Norhisham MD Sanusi, the two non-signing inventors for the above identified patent application, made their contribution to the invention as employees of Linatex Rubber Products SDN BHD, along with co-inventors Messrs. Stewart, Kuen and Fountain. As such, they are obliged to assign any and all rights to the invention to Linatex under their employment contract. Mr. Cronin further states that both Mr. Spearman and Mr. Sanusi have since left the employ of Linatex, and neither Mr. Spearman nor Mr. Sanusi provided a forwarding address when they left Linatex. Linatex does not have the home addresses of Messrs. Spearman or Sanusi in Malaysia, as it is not customary for companies in Malaysia to keep residential addresses of their employees. Furthermore, inventors' addresses are not required by the Malaysian Patent Office when the applicant for a patent is a company where the inventors are employed. Accordingly, the only former address known to Linatex for either of them is the address of Linatex.

In order to prosecute the above-identified U.S. patent application, Mr. Cronin made inquiries to other Linatex employees who were colleagues of Messrs. Spearman and Sanusi, and was informed that Messrs. Spearman and Sanusi are believed to have left Malaysia, but it is not known where they have gone. It is not practically possible to locate them because it is not even known in which country or countries these two former employees are residing. Therefore, Mr. Cronin concluded that Messrs. Spearman and Sanusi cannot be located.

In view of the foregoing, Applicant respectfully submits that the requirements of 35 U.S.C. §116, and 37 C.F.R. §1.47(a) have been satisfied, and requests that the above-identified U.S. patent application be accepted for filing on behalf of the inventors listed in the declaration.

If there are any questions regarding this Petition or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, please consider this paper as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #817LR/50045).

Respectfully submitted,

January 15, 2002



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